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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,242	02/12/2004	Randal L. Bertram	SJO920030076US1	4484

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EXAMINER	
LONG, ANDREA NATAE	
ART UNIT	**PAPER NUMBER**
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/777,242	BERTRAM ET AL.	
	Examiner	Art Unit	
	Andrea N. Long	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/28/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-27 have been examined in response to application filed 02-12-2004.

Claim Objections

1. Claims 9, 18, and 27 are objected to because of the following informalities: The mentioned claims recite "a vertical access or a horizontal axis". Examiner, notes an improper use of the word "access" and should be changed to "axis". Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 10 is directed to a computer readable medium. The current claim does not disclose the computer readable medium having executable code for operating on a computer, and it thus software per se. Software per se does not fall within one of the four categories (process, machine, article of manufacture, or composition of matter) of patent eligible subject matter.

Claims 11-18 are rejected as inheriting the deficiencies of the independent claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 6-10, 15-19, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tani et al. (US Patent 5151974), hereinafter "Tani" in view of Hopper et al (Real world design in the corporate environment: designing an interface for the technically challenged, 1996), hereinafter "Hopper".

As to independent claims 1, 10, and 19, Tani teaches a data processing system for providing a user of the data processing system with control of a software object organized into a plurality of information levels of varying amounts of information (column 1 lines 56-61), comprising;

initially displaying a first display window having a first window size (Fig. 1a reference character w → Tani teaches a small window displayed on a screen), wherein the first display window includes

frame for allowing the user interactive access to a first information level of the plurality of information levels (Fig. 1a, column 3 lines 10-13 → Tani teaches that the small window contains and displays the highest concept level "functional block diagram"), and

a first window-sizing interface for allowing the user interactive access to a second display window having a second size (Figs. 1a and 1b, column 1 line 65 through column 2 line 5 → Tani teaches by using a pointing device to manipulate the size of a window, the user can access a second level of information of a second display window),

wherein the second display window includes a second level navigation frame for allowing the user interactive access to a second information level of the plurality of information levels (Fig 1b, column 3 lines 23-29 → Tani teaches a medium size window that contains and displays a medium concept level "logical arrangement"); and

displaying the second display window subsequent to the initial display of the first display window in response to the user interacting with the first window-sizing interface (Figs. 1a and 1b, column 1 line 65 through column 2 line 5 → Tani teaches that by making the current window which can be the first window bigger making it to a second display window size). However, Tani does not teach having level tab navigation frames. Hopper teaches using tabs to navigate through levels of information, including primary level tabs, secondary tabs, and tertiary tabs (page 490 2nd column through page 491 1st column).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to have combined the sizing of a window to display concept levels with navigation of information using tabs of Hopper to have easy access to find information, decrease the time of navigating, and to reduce over crowding of information on a display screen (page 490, Hopper).

As to dependent claims 6, 15, and 24, Tani teaches wherein the first level frame includes content correlated to the first window size (Fig. 1a, column 3 lines 10-13 → Tani

teaches a small window displayed on a screen and that the small window contains and displays the highest concept level "functional block diagram"). Tani does not teach level tab navigation. Hopper teaches tabs that contain information for different levels (page 490-491).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the window sizing of Tani with the tab navigation of Hopper, to increase the simplicity of accessing information and reduce the amount of content displayed to a user at one time.

As to dependent claims 7, 16, and 25, Tani teaches wherein the first level frame includes content correlated to the first window size. Tani does not teach tabs. Hopper teaches wherein the first level tab navigation frame includes user interface elements of text (Figure 2).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the correlation of window size with frame content of Tani with the level tab navigation frame that includes user interface elements of text of Hopper to increase the visual awareness of a user to content of a window.

As to dependent claims 8, 17, and 26, Tani teaches wherein the second level frame includes a second content correlated to the second size window (Fig. 1b, column 3 lines 23-29 → Tani teaches a medium size window that contains and displays a medium concept level "logical arrangement"). Tani also teaches wherein the second content includes information displayed in the first display window (column 3 lines 28-30 → Tani teaches that the medium size window displays more detailed information that the first window, which is reasonable for one skilled in

the art to imply that it has to include information of the first window due to the second window given more detailed information about it). Tani does not teach level tab navigation. Hopper teaches tabs that contain information for different levels (page 490-491).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the window sizing of Tani with the tab navigation of Hopper, to increase the simplicity of accessing information and reduce the amount of content displayed to a user at one time.

As to dependent claims 9, 18, and 27, Tani teaches orienting the display of the first display window relative to either a vertical axis or a horizontal axis as a function of the first window size (Figs. 3 and 4, column 6 lines 14-46).

5. Claims 2-5, 11-14, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tani in view of Hopper in further view of Henshaw et al (Minimized and Maximized Window Appearance and Behavior as Just Another Window), hereinafter "Henshaw".

As to dependent claims 2, 11, and 20, Tani in view of Hopper teaches a second display windows that contains and displays a medium concept level and using a window-sizing interface for allowing user interactive access to a first display (column 2 lines 37-43 → Tani teaches that

the windows can be scaled up or down upon users preference to display a concept level). Tani in view of Hopper teaches having a universal window-sizing interface that operates with all of the display windows. They do not explicitly disclose a separate window-sizing interface for each display window. Henshaw teaches having bookmarks to set meaningful sizes of a window, which can be accessed within a system menu (page 221).

Therefore while Tani in view of Hopper teaches having a window-sizing interface for each display windows that determines the data of various concept levels, it would have been obvious to one skilled in the art to have combined the bookmarks of Henshaw to allow a user to return any window to a present meaningful size, without losing any ability to again change that window's size.

As to dependent claims 3, 12, and 21, Tani in view of Hopper teaches displaying the first display window subsequent to the display of the second display window in response to the user interacting with a window-sizing interface to obtain access to the first display window (Figs. 1a and 1b, column 1 line 65 through column 2 line 5, column 2 lines 37-43 → Tani teaches that the windows can be scaled up or down upon users preference to display a concept level). Tani in view of Hopper does not explicitly teach a second window-sizing interface. Henshaw teaches having bookmarks to set meaningful sizes of a window, which can be accessed within a system menu (page 221).

Therefore while Tani in view of Hopper teaches having a window-sizing interface for each display windows that determines the data of various concept levels, it would have been obvious to one skilled in the art to have combined the bookmarks of Henshaw to allow a user to

return any window to a present meaningful size, without losing any ability to again change that window's size.

As to dependent claims 4, 13, and 22, Tani teaches wherein the second display window includes a window-sizing interface for allowing the user interactive access to a third display window having a third window size (Figs. 1b and 1c, column 1 line 65 through column 2 line 5 → Tani teaches by using a pointing device to manipulate the size of a window, the user can access a third level of information of a third display window); and

wherein the third display window includes a third level navigation frame for allowing the user interactive access to a third information level of the plurality of information levels (Fig. 1c, column 3 lines 30-35 → Tani teaches a large windows for displaying a third concept level "component arrangement"). Tani does not teach tab level navigating and does not explicitly teach a second window-sizing interface. Hopper teaches using tabs to navigate through levels of information, including primary level tabs, secondary tabs, and tertiary tabs (page 490 2nd column through page 491 1st column). Henshaw teaches having bookmarks to set meaningful sizes of a window, which can be accessed within a system menu (page 221).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the sizing of windows to display levels of information of Tani with the tab navigation of Hopper to have easy access to find information, decrease the time of navigating, and to reduce over crowding of information on a display screen (page 490, Hopper) in addition to combining the bookmarks of Henshaw to allow users to return any window to a present meaningful size, without losing any ability to again change that window's size.

As to dependent claims 5, 14, and 23, Tani in view of Hopper teaches displaying a third display window subsequent to the display of the second display window in response to the user interacting with the window-sizing interface to obtain access to the third display window (column 2 lines 37-43 → Tani teaches that the windows can be scaled up or down upon users preference to display a concept level). Tani in view of Hopper teaches having a universal window-sizing interface that operates with all of the display windows. They do not explicitly disclose a separate window-sizing interface for each display window. Henshaw teaches having bookmarks to set meaningful sizes of a window, which can be accessed within a system menu (page 221).

Therefore while Tani in view of Hopper teaches having a window-sizing interface for each display windows that determines the data of various concept levels, it would have been obvious to one skilled in the art to have combined the bookmarks of Henshaw to allow a user to return any window to a present meaningful size, without losing any ability to again change that window's size.

Conclusion

6. The prior art made of record on Form PTO 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long
05/04/2007

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER